

REMARKS

Claims 109, 112-114, 120-122 and 124 have been substantively examined. Claim 109 has been amended and claim 120 has been canceled. Applicant submits that the amendments are supported throughout the specification as originally filed, and therefore, no new matter is added by these amendments. In view of the remarks set forth herein, reconsideration of the application is respectfully requested.

Claim Objections

Claim 124 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The objection to claim 124 is believed to be moot as the base claim as currently pending is believed to be allowable as further discussed below.

Rejections Under 35 U.S.C. § 112:

Claims 109, 112-114, and 120-122 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In particular, the Examiner believes that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges that the definition of -OR³ and -OR⁶ as “reactive under relatively mild conditions” is considered new matter. The Examiner believes that the phrase is associated with favored classes of reactions available and is not associated with definitions for -OR³ and -OR⁶. The Examiner has concluded therefore, that the definition of -OR³ and -OR⁶ as “reactive under relatively mild conditions” is new matter because this definition is not found in the originally filed specification.

Applicant disagrees with the above rejection of the Examiner and the reasoning supporting the rejection, but in order to further expedite prosecution of certain subject matter

disclosed and claimed in the application claim 109 has been amended to set forth the compounds with greater particularity. In particular, claim 109 has been amended to define $-OR^3$ as a member selected from hydroxyl, alkyl sulfonate, and aryl sulfonate. Support for this amendment is found at page 17, lines 22 and 23 of the as filed specification. In addition, claim 109 has been amended to define R^6 as a member selected from hydrogen, alkyl, substituted alkyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, heterocyclyl and substituted heterocyclyl groups. Support for this amendment is found at page 17, lines 27-29 of the as filed specification. Still further, claim 120 has been canceled as the elements of the claim have been incorporated into amended claim 109. Applicant believes that the rejection is now moot and the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 109, 112-114, and 121 and 122 under 35 U.S.C. § 112, first paragraph.

Claims 109, 112-114 and 120-122 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner alleges that the definition of $-OR^3$ and $-OR^6$ as “reactive under relatively mild conditions” renders the claims indefinite as the claims are product claims with no limitation to reaction steps or conditions. However, the Examiner believes that the phrase “reactive under relatively mild conditions” only has meaning in relation to a specified reaction and not with the definition of $-OR^3$ or $-OR^6$. The Examiner has suggested that Applicant delete the above mentioned phrases and include only specific values for $-OR^3$ and $-OR^6$, such as those found on page 17 of the specification. These specific values include, for example for OR^3 , alkyl sulfonate or aryl sulfonate and for R^6 , alkyl, substituted alkyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, heterocyclyl, and substituted heterocyclyl.

Applicant disagrees with the above rejection of the Examiner and the reasoning supporting the rejection, but in order to further expedite prosecution of certain subject matter disclosed and claimed in the application claim 109 has been amended to particularly point out

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and distinctly set forth the claimed compounds. In particular, claim 109 has been amended to define -OR³ as a member selected from hydroxyl, alkyl sulfonate, and aryl sulfonate. Support for this amendment is found at page 17, lines 22 and 23 of the as filed specification. In addition, claim 109 has been amended to define R⁶ as a member selected from hydrogen, alkyl, substituted alkyl, aryl, substituted aryl, heteroaryl, substituted heteroaryl, heterocyclyl and substituted heterocyclyl groups. Support for this amendment is found at page 17, lines 27-29 of the as filed specification. Still further, claim 120 has been canceled as the elements of the claim have been incorporated into amended claim 109. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 109, 112-114, and 121 and 122 under 35 U.S.C. § 112, second paragraph.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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